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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,702	02/28/2002	John Marshall Gaffney	1018/9N	7986

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EXAMINER
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FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/087,702

Applicant(s)  
Gaffney et al.

Examiner  
Stephen Funk

Art Unit  
2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

The effective filing date for the claims pending in this application has been determined to be April 7, 1992, the filing date of application Serial No. 07/864,680. This is the first application in applicant's prior applications which discloses a printing plate having opposite ends and being wrapped about a plate cylinder. See M.P.E.P. § 201.11 "When Not Entitled To Benefit Of Filing Date". Note that the reference to Gaffney et al. ('954) is a statutory bar under 35 U.S.C. § 102(b), through 35 U.S.C. § 103, to the pending claims.

On page 1 line 6 the status of parent application Serial No. 09/967,496 has been updated by the examiner to indicate it has issued as U.S. Patent No. 6,374,734.

The disclosure is objected to because of the following informalities: On page 9 line 25 "18" should be --22--. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney et al. (CA 2,026,954) in view of Gaffney et al. (US 4,953,461). Gaffney et al. ('954) disclose the

printing press as recited with exception of the printing plate having opposite ends and being wrapped around the plate cylinder. See the entire disclosure of Gaffney et al. ('954), in particular, page 19 first full paragraph. Gaffney et al. ('461) disclose the conventionality of a blanket on a blanket cylinder (12 or 14) having a continuous outer surface (16 or 18) and a printing plate (28 or 30) wrapped around a plate cylinder (24 or 26) and the plate having opposite ends inserted into a gap (44 or 46) of the plate cylinder. See column 2 line 40 - column 3 line 15 of Gaffney et al. ('461), for example. It would have been obvious to one of ordinary skill in the art to provide the printing press of Gaffney et al. ('954) with a printing plate having opposite ends in view of Gaffney et al. ('461) so as to be securely wrap and retain the printing plate on the plate cylinder.

Claims 1 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaffney et al. (US 4,953,461) in view of Gaffney et al. (CA 2,026,954). Gaffney et al. ('461) disclose the conventionality of a blanket on a blanket cylinder (12 or 14) having a continuous outer surface (16 or 18) and a printing plate (28 or 30) wrapped around a plate cylinder (24 or 26) and the plate having opposite ends inserted into a gap (44 or 46) of the plate cylinder. See column 2 line 40 - column 3 line 15 of Gaffney et al. ('461), for example. Gaffney et al. ('954) disclose the desirability of first and second sidewalls, the first sidewall (96) having a movable portion (94) and an opening (102), a blanket cylinder (14, 16) having a source of pressurized fluid (110) and having mounted thereon a removable tubular blanket having an inner layer (80), an outer layer (66), and an intermediate compressible layer (68). See the entire disclosure of Gaffney et al. ('954). It would have been obvious to one of ordinary skill in the art to provide the printing press

of Gaffney et al. ('461) with a first sidewall having a movable portion to allow a tubular blanket to be removed from the press, a source of pressurized fluid to expand the blanket off of the blanket cylinder, and a blanket having a compressible layer between inner and outer layers in view of Gaffney et al. ('954) so as to eliminate bulging of the printing blanket. With respect to claims 2 - 8 see page 19 first full paragraph of Gaffney et al. ('954).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Applicant is reminded that the purpose of a terminal disclaimer is not only to prevent the prolongation of the patent term of a second patent beyond a first patent but also to ensure that the second patent shall be enforceable only for and during such period that both patents are commonly owned. Therefore, applicant must file a terminal disclaimer with respect to each of the above application(s) and/or patent(s) which formed the basis for the rejection(s) above.

Claims 1 and 5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,386,100 in view of Gaffney et al. ('461). Patented claim 1 claims structure as recited with exception of the printing plate being wrapped about the plate cylinder. Gaffney et al. teaches the conventionality of a

blanket on a blanket cylinder having a continuous outer surface and a printing plate wrapped around a plate cylinder and the plate having opposite ends inserted into a gap of the plate cylinder. It would have been obvious to one of ordinary skill in the art to provide the claimed printing press with a printing plate having opposite ends in view of Gaffney et al. ('461) so as to be securely wrap and retain the printing plate on the plate cylinder.

Claims 1 - 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 20 of U.S. Patent No. 5,440,981 in view of Gaffney et al. ('461) and Gaffney et al. ('954). Gaffney et al. ('461) has been addressed above. Gaffney et al. ('954) teaches the conventionality of a sidewall having a movable portion, a blanket cylinder having a source of pressurized fluid, and a blanket having a compressible layer between an inner and outer layer. It would have been obvious to one of ordinary skill in the art to provide the claimed printing press with a printing plate having opposite ends in view of Gaffney et al. ('461) so as to be securely wrap and retain the printing plate on the plate cylinder and a sidewall having a movable portion and a blanket cylinder having a source of pressurized fluid in view of Gaffney et al. ('954) so as to allow the tubular blanket to be removed from the press. With respect to claims 2 - 8 note the inextensible layers of Gaffney et al. ('954).

Claims 1 - 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 5 of U.S. Patent No. 5,429,048 in view of Gaffney et al. ('954). Patented claims 1 - 5 claim structure as recited with exception of the frame having a movable portion and the blanket cylinder having a source of pressurized fluid. Gaffney et al. ('954) teach the desirability of each. Note above. It would have been obvious to one of

ordinary skill in the art to provide the claimed printing press with a sidewall having a movable portion and a blanket cylinder having a source of pressurized fluid in view of Gaffney et al. ('954) so as to allow the tubular blanket to be removed from the press.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See column 2 lines 63 - 65 of Willer ('343) and column 3 lines 17 - 30 of Engl et al. ('240).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk  
February 25, 2003



**STEPHEN R. FUNK  
PRIMARY EXAMINER**